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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 31st August, 1976:—

BILL No. 90 OF 1976

A Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976. Short title.

30 of 1954. 2. In the Salaries and Allowances of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act), in the long title, for the words "salaries and allowances", the words "salary, allowances and pension" shall be substituted. Amendment of long title.

3. In section 1 of the principal Act, in sub-section (1), for the words "Salaries and Allowances", the words "Salary, Allowances and Pension" shall be substituted. Amendment of section 1.

4. In section 2 of the principal Act, in sub-clause (b) of clause (e), for the words "the period beginning with the date when such member take his seat in the House of the People or the Council of States, as the case may be", the words and figures "the period beginning with the date on which such member makes and subscribes the oath or affirmation as required by article 99 of the Constitution" shall be substituted. Amendment of section 2.

Amend-
ment of
section 5.

5. Section 5 of the principal Act shall be re-numbered as sub-section (1) thereof and after that sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Where in any year a member does not perform during any session any such journey as is referred to in the second proviso to sub section (1), or the number of such journeys performed by him during any session is less than the maximum specified in that proviso with respect to such session, then, such member shall be entitled to perform all or, as the case may be, the remaining number, of such journeys during any other session or sessions in that year, in addition to the number of journeys which he is otherwise entitled to perform under that proviso during such other session or sessions.”.

Insertion
of new
section
6C.

Air travel
facilities
in certain
circums-
tances.

6. After section 6B of the principal Act, the following section shall be inserted, namely:—

“6C. Without prejudice to the other provisions of this Act, where during any part of a year the usual place of residence of a member in his constituency is inaccessible to or from any place outside his constituency by road, rail or steamer due to climatic conditions, but there is air service between any place in his constituency and the nearest place, having rail service, outside his constituency, such member shall entitled to travel to and fro by air from the nearest place in his constituency where there is air service to such place having rail service:

Provided that where the nearest place having air service is outside his constituency, such member shall be entitled to travel to and fro by air only from such place to the nearest place having rail service.”.

Insertion
of new
section
8A.
Pension.

7. After section 8 of the principal Act, the following section shall be inserted, namely:—

“8A. (1) With effect from the commencement of the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976, there shall be paid a pension of three hundred rupees per mensem to every person who has served for a period of five years as—

- (i) a member of the Council of States; or
- (ii) a member of the House of the People; or
- (iii) partly as a member of the Council of States and partly as a member of the House of the People; or
- (iv) partly as a member of the Provisional Parliament, that is, to say, the body which functioned as the Constituent Assembly of the Dominion of India immediately before the commencement of the Constitution, and—

(a) partly as a member of the Council of States and partly as a member of the House of the People or.

(b) partly as a member of the Council of States or partly as a member of the House of the People:

Provided that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of fifty rupees per mensem for every year in excess of five, so, however, that in no case the pension payable to such person shall exceed five hundred rupees per mensem.

(2) Where any person entitled to pension under sub-section (1),—

(i) is elected to the office of the President or Vice President or is appointed to the office of the Governor of any State or the Administrator of any Union territory; or

(ii) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966; or

(iii) is employed on a salary under the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority or becomes otherwise entitled to any remuneration from such Government, corporation or local authority,

such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member, or is so employed, or continues to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed, or where the remuneration referred to in clause (iii) payable to such person, is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that sub-section.

(3) Where any person entitled to pension under sub-section (1) is also entitled to any pension from the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority, under any law or otherwise, then,—

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section."

8. In sub-section (3) of section 9 of the principal Act,—

(a) after clause (e), the following clause shall be inserted, namely:—

Amendment of section 9.

"(ee) the form in which certificates, if any, shall be furnished by any person for the purpose of claiming any pension under this Act;"

(b) in clause (g), for the words "daily and travelling allowances", the words "daily and travelling allowances and pension" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to amend the Salaries and Allowances of Members of Parliament Act, 1954 with a view to entitling members of Parliament to—

- (a) free air travel facility when the usual place of residence of a member is inaccessible by road or rail or steamer due to climatic conditions;
- (b) salaries and allowances, etc., from the date of taking oath; and
- (c) undertake unutilised intermediate air journeys in subsequent sessions.

Provision is also being made entitling ex-members of Parliament to pension.

2. The above amendments are being made in the light of the recommendations made by the Joint Committee on Salaries and Allowances of Members of Parliament.

NEW DELHI;

The 27th August, 1976.

K. RAGHU RAMAIAH.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117
OF THE CONSTITUTION OF INDIA

[Copy of letter No. F.4(12)/76-R&C, dated the 28th August, 1976 from Shri K. Raghu Ramaiah, Minister of Works and Housing and Parliamentary Affairs to the Secretary-General, Lok Sabha.]

The President having been informed of the subject matter of the proposed Salaries and Allowances of Members of Parliament (Amendment) Bill, 1976, recommends, under article 117(1) and (3) of the Constitution, the introduction and consideration of the said Bill in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to amend section 2 of the principal Act. Under the proposed amendment, a member of Parliament will be entitled to salaries and allowances and other benefits under the Act from the date on which he makes and subscribes the oath or affirmation as required by article 99 of the Constitution. The expenditure involved in advancing the date from which a member will be entitled to salaries, etc., under the Act will be negligible.

2. Clause 6 of the Bill seeks to insert a new section 6C in the principal Act. Under the proposed section, members of Parliament will be entitled to additional air travel facilities in certain circumstances. The amount of expenditure that will have to be incurred on this account is not likely to exceed ten thousand rupees per annum.

3. Clause 7 of the Bill seeks to insert a new section 8A in the principal Act. Under the proposed section, a pension ranging from three hundred rupees to five hundred rupees per mensem is proposed to be paid to ex-members of Parliament. It is estimated that an amount of one crore rupees will have to be incurred every year on this account.

4. There will be no non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill seeks to amend sub-section (3) of section 9 of the Salaries and Allowances of Members of Parliament Act, 1954. Under the proposed amendment, the Joint Committee is being empowered to make rules relating to the form in which certificates, if any, shall be furnished by a person for the purpose of claiming any pension and generally for regulating the payment of pension. The matters with respect to which the Joint Committee is being empowered to make rules are matters of procedure and detail. The delegation of legislative power is, therefore, of a normal character.

S. L. SHAKDHER,
Secretary-General.